

**SUMMONS**  
**Cross-Complaint**  
**(CITACION JUDICIAL-CONTRADEMANDA)**

**NOTICE TO CROSS-DEFENDANT:**  
**(AVISO AL CONTRA-DEMANDADO):**

ROBERT A. DWORSHAK, EAN HOLDINGS, LLC, ENTERPRISE RENT-A-CAR OF LOS ANGELES, LLC, AND ROES I TO 50, INCLUSIVE

**YOU ARE BEING SUED BY CROSS-COMPLAINANT:**  
**(LO ESTÁ DEMANDANDO EL CONTRADEMANDANTE):**

MARIBEL PINA

**FILED**  
 SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF RIVERSIDE

JAN 02 2019

J. Valdez

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the cross-complainant. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

*Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al contrademandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.*

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The name and address of the court is:  
 (El nombre y dirección de la corte es): Southwest Justice Center,  
 30755-D Auld Road, Murrieta, CA 92563

SHORT NAME OF CASE (from Complaint): (Nombre de Caso).  
 D'Aleo, et al v. Dworshak, et al

CASE NUMBER: (Número del Caso).

MCC 1800871

The name, address, and telephone number of cross-complainant's attorney, or cross-complainant without an attorney, is:  
 (El nombre, la dirección y el número de teléfono del abogado del contrademandante, o del contrademandante que no tiene abogado, es): Catherine A. Gayer, Esq.

(760) 416-1400

Winet Patrick Gayer Creighton & Hanes, Palm Springs, CA 92262

DATE: JAN 02 2019  
 (Fecha)

Clerk, by  
 (Secretario)

J. Valdez Deputy  
 (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
 (Para prueba de entrega de esta citación use el formulario Proof of Service of Summons (POS-010).)

**NOTICE TO THE PERSON SERVED: You are served**

1. ☒ as an individual cross-defendant.

2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

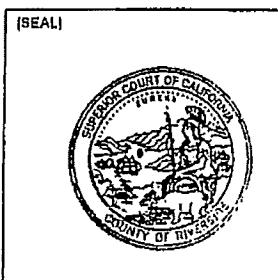
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)

☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)

☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)

☐ other (specify):

4. ☐ by personal delivery on (date):



Form Adopted for Mandatory Use  
 Judicial Council of California  
 SUM-110 (Rev July 1, 2009)

**SUMMONS—CROSS-COMPLAINT**

Code of Civil Procedure §§ 412.20, 428.60, 485  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

Page 1 of 1

CATHERINE A. GAYER, ESQ., SBN 152543  
 PAUL J. BURKHART, ESQ., SBN 123270  
 WINET PATRICK GAYER CREIGHTON & HANES  
 1111 E. TAHQUITZ CANYON WAY, SUITE 113  
 PALM SPRINGS, CALIFORNIA 92262  
 TELEPHONE NO.: (760) 416-1400  
 FACSIMILE NO.: (760) 416-1405

**FILED**  
 SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF RIVERSIDE

JAN 02 2019

J. Valdez

Attorneys for Defendant/Cross-Complainant, MARIBEL PINA

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 COUNTY OF RIVERSIDE**

Michael D'Aleo and Lynne D'Aleo,

Plaintiffs,

v.

Robert A. Dworshak; Maribel Pina; EAN  
 Holdings, LLC; Enterprise Rent-A-Car of Los  
 Angeles, LLC DOES 1 to 100, Inclusive

Defendants.

Case No. MCC 1800871

**CROSS-COMPLAINT**

1. Indemnity
2. Partial Indemnity
3. Contribution
4. Apportionment
5. Declaratory Relief

*(Assigned for all purposes to Dept S303, the Hon  
 Judge Raquel Marquez)*

Maribel Pina,

Cross-Complainant,

v.

Robert A. Dworshak, EAN Holdings, LLC;  
 Enterprise Rent-A-Car of Los Angeles, LLC; and  
 ROES 1 to 50, Inclusive,

Cross-Defendants.

**TO ALL PARTIES HEREIN AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD:**

COMES NOW, Defendant/Cross-complainant, MARIBEL PINA, and alleges as follows:

**FIRST CAUSE OF ACTION**

**(Indemnity)**

1. At all times material hereto, cross-defendants, and each of them, resided within the

1 jurisdictional limits of this court.

2       2.       The true names and capacities, whether individual, corporate, associate or otherwise of cross  
3 defendants, Roes 1 through 50, are unknown to Cross-complainant, who therefore sues these Cross-  
4 defendants by such fictitious names. Cross-complainant is informed and believes, and thereon alleges, that  
5 each of the Cross-defendants designated herein as Roe is responsible in some manner for the events and  
6 happenings hereinafter alleged. Leave of the court will be asked to insert the true names and capacities of  
7 the Roe Cross-defendants when the names have been ascertained.

8       3.       Cross-complainant is informed and believes, and thereon alleges, that at all time materials  
9 hereto, each of the Cross-defendants was an agent, servant and employee of each of the remaining Cross-  
10 defendants, and at that time, events and happenings herein alleged were acting within the course and scope  
11 of said agency and employment.

12       4.       Cross-complainant is now a Defendant in the main action set forth above, wherein Plaintiffs  
13 claim certain general and special damages allegedly arising out of an motor vehicle accident on August 3,  
14 2016 in Riverside County. The Complaint in the main action being a public document is incorporated herein  
15 by reference, for the purpose of its allegations only, and the truth of the allegations in the Complaint are not  
16 admitted, confirmed or agreed therewith by this Cross-complainant.

17       5.       Cross-complainant is a Defendant in the main action and has denied all allegations of the  
18 aforesaid Complaint and have alleged certain affirmative defenses. Defendant's answer is a public document  
19 and is incorporated herein, by reference, as through fully set forth at length within this Cross-Complaint.

20       6.       If it is true that the Plaintiffs were injured or damaged, as alleged in the Complaint, which  
21 supposition is not admitted, then this Cross-complainant is informed and believes, and based upon this  
22 information and belief alleges, the facts to be that the negligence and damages complained of were caused  
23 directly, proximately and legally by Cross-defendants, and each of them, as set forth herein above, and that  
24 Cross-defendants thereby breached duties owed to the Cross-complainant.

25       7.       Cross-complainant was in no way liable for the damages alleged in the Complaint. The  
26 damages alleged in the Complaint were the direct and proximate result of the conduct of the Cross-  
27 defendants, and each of them. However, if as a result of the allegations in the Complaint the Cross-  
28 complainant is held liable for all or any part of the damages alleged by the Plaintiffs, Cross-complainant is

1 thereby entitled to indemnification by Cross-defendants, and each of them, on a theory of indemnity, in that  
 2 the negligence or legal fault referred to in Plaintiffs' Complaint resulted from the sole and primary  
 3 negligence or legal fault of Cross-defendants, and each of them.

4 8. Cross-complainant has incurred costs and expenses herein and will incur further and  
 5 additional costs and expenses in the defense of this action, including cost of investigation and reasonable  
 6 attorneys' fees. If upon the trial, Plaintiffs secure judgment against the Cross-complainant, then Cross-  
 7 complainant will be further damaged in the sum or sums so awarded Plaintiffs. The exact amount of Cross-  
 8 complainant's damages is unknown to Cross-complainant at this time, and Cross-complainant will seek leave  
 9 to set forth the full amount of said damages at the conclusion of the trial in this matter.

## 10 SECOND CAUSE OF ACTION

### 11 (Partial Indemnity)

12 9. Cross-complainant refers to paragraphs 1 through 8 of her first cause of action and  
 13 incorporate them, by this reference, as though fully set forth at length.

14 10. Cross-complainant was in no way liable for the negligence or damages alleged in the  
 15 Complaint. The negligence and damages alleged in the Complaint were the direct, proximate and legal  
 16 result of the conduct of the Cross-defendants, and each of them. However, if as a result of the allegations  
 17 in the Complaint, Cross-complainant is held liable for all or any part of the damages alleged by Plaintiffs,  
 18 Cross-complainant is entitled to partial indemnity on a comparative fault basis from cross-defendants, and  
 19 each of them.

## 20 THIRD CAUSE OF ACTION

### 21 (Contribution)

22 11. Cross-complainant refers to and incorporates herein by reference each and every allegation  
 23 of paragraphs 1 through 8 of her first cause of action and paragraphs 9 and 10 of his second cause of action,  
 24 as though fully set forth at length.

25 12. Cross-complainant contends that she is not legally responsible for the damages alleged the  
 26 Complaint. However, if as a result of the matter alleged in the Complaint, Cross-complainant is held liable  
 27 for all or any part of the claims asserted against her, Cross-defendants, and each of them, to the extent that  
 28 their fault is determined by the court, are obligated to reimburse and are liable to Cross-complainant for all

1 and any liability so asserted by way of contribution. Cross-complainant accordingly asserts her right to such  
2 contribution.

#### 3 FOURTH CAUSE OF ACTION

##### 4 (Apportionment)

5 13. Cross-complainant refers to all of the paragraphs and allegations of her first, second and third  
6 causes of action, and by this reference makes them a part hereof, as though fully set forth at length.

7 14. Cross-complainant is informed and believes, and thereon alleges, that each of the Cross-  
8 defendants was negligently, tortuously, or otherwise responsible, in whole or in part, in some proportionate  
9 relationship to themselves and to cross-complainant for the injuries, if any, suffered by the Plaintiffs as  
10 identified in the underlying Complaint. In the event Cross-complainant is adjudicated jointly liable with the  
11 Cross-defendants, each Cross-defendant herein be required to pay to Cross-complainant a sum equal to the  
12 proportionate share of monetary payments, if any there be, made to the Plaintiffs.

13 15. An actual controversy exists between Cross-complainant and Cross-defendants, and each of  
14 them, under the circumstances previously alleged above. Cross-complainant contends that she is entitled  
15 under the doctrine of equitable apportionment and equitable indemnity to such apportionment, by Cross-  
16 defendants, and each of them, and that Cross-defendants, and each of them, contend that said apportionment  
17 and indemnity is not in order and therefore Cross-complaint seeks to have the court declare the rights and  
18 liability of the parties relative to equitable apportionment and equitable indemnity.

#### 19 FIFTH CAUSE OF ACTION

##### 20 (Declaratory Relief)

21 16. Cross-complainant refers to all the paragraphs and allegations of her first, second, third and  
22 fourth causes of action, and by this reference make them a part hereof, as though fully set forth at length.

23 17. By reason of the foregoing, a dispute has arisen and an actual controversy exists between  
24 Cross-complainant and Cross-defendants, and each of them, concerning his respective rights, duties,  
25 obligations, and in particular, with respect to the obligations of Cross-defendants, and each of them, to  
26 indemnify and hold harmless Cross-complainant. Cross-complainant respectfully requests a declaration of  
27 the rights and duties of each Cross-defendant and of Cross-complainant herein. Such declaration will avoid  
28 the filing of separate actions against Cross-defendants, and each of them, at a later date and thus eliminate

1 circuitry of actions.

2 **WHEREFORE**, Cross-complainant prays for judgment against Cross-defendants and each of them  
3 as follows:

4 1. If Cross-complainant is held liable for judgment in favor of Plaintiffs, that judgement in the  
5 same amount be rendered against Cross-defendants, and each of them, and in favor of Cross-complainant;

6 2. That a declaratory judgment be entered stating the obligations of Cross-defendants, and each  
7 of them, to indemnify and hold harmless Cross-complainant against any and all causes of action set forth  
8 by Plaintiffs in the Complaint on file herein;

9 3. In the event that the foregoing full indemnification is determined to be inappropriate for a  
10 declaration of proportionate negligence and/or fault of the Cross-defendants, and each of them, and for a  
11 corresponding order that each of the Cross-defendants be required to reimburse Cross-complainant for a  
12 proportionate share of any judgment Cross-complainant might be required to pay;

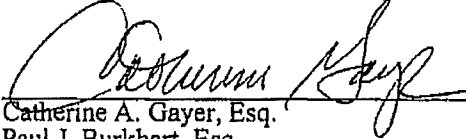
13 4. For costs of suit incurred herein as well as attorneys' fees and investigative costs  
14 incurred in the defense of Plaintiffs' action, according to proof as to each Cross-defendants herein;

15 5. For such other and further relief as the court may deem just and proper.

16  
17  
18 Respectfully submitted,

19 DATED: December 27, 2018

WINET PATRICK GAYER CREIGHTON & HANES

20  
21   
22 Catherine A. Gayer, Esq.  
23 Paul J. Burkhart, Esq.  
24 Attorneys for Defendant, MARIBEL PINA  
25  
26  
27  
28



*D'Aleo, et al v. Dworshak; et al*  
 Riverside County Superior Court, Case No. MCC 1800871

**PROOF OF SERVICE**

I, Marcia G. Perez, declare as follows: I am over the age of 18 and not a party to the case. I am employed in the County of Riverside, State of California, where the mailing occurs; and my business address is 1111 E. Tahquitz Canyon Way, Suite 113, Palm Springs, California 92262.

On December 27, 2018, I served the foregoing document(s) described as **CROSS-COMPLAINT** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

James J. Romag, Esq.  
 BROWN, KORO, & ROMAG, LLP  
 2440 Camino Ramon, Suite 385  
 San Ramon, CA 94583  
 Telephone: (925) 830-4878  
 Facsimile: (925) 830-4879  
*(Attorney for Plaintiffs, Michael D'Aleo and Lynne D'Aleo)*

(XX) BY MAIL. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing with the United States Postal Service, and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business pursuant to California Code of Civil Procedure § 1013a.

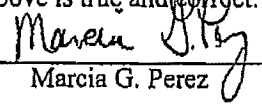
( ) BY FAX. In addition to service by mail as set forth above, a copy of said document(s) were also delivered by facsimile transmission to the addressee pursuant to California Code of Civil Procedure § 1013(e).

( ) BY EXPRESS MAIL. I caused said document(s) to be deposited in a box or other facility regularly maintained by the express service carrier providing overnight delivery pursuant to California Code of Civil Procedure § 1013(c).

( ) FAX FILING: At the time of transmission, I was at least 18 years of age and not a party to this legal proceeding. On /// at /// a.m./p.m., I transmitted to the Court the following documents: by fax machine, under California Rules of Court, rule 2.304. The Court's fax telephone number that I used was ///. The fax machine I used complied with rule 2.301 and no error was reported by the machine. Under rule 2.304, I caused the machine to print a transmission record of the transmission, a copy of which is attached.

( ) BY EMAIL OR ELECTRONIC TRANSMISSION. Based on a court order or an agreement of the parties to accept service by mail or electronic transmission, I caused the documents to be sent to the persons at the email addresses listed on the attached Service List. I did not receive, within a reasonable time after the transmission, an electronic message or other indication that the transmission was unsuccessful.

Executed December 27, 2018, at Palm Springs, California. I declare under the penalty of perjury under the laws of the State of California that the above is true and correct.

  
 Marcia G. Perez

**SUMMONS  
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

ROBERT A. DWORSEAK; MARIBEL PINA; BAN HOLDINGS, LLC;  
ENTERPRISE RENT-A-CAR OF LOS ANGELES, LLC; and DOES 1 to 100

Inclusive  
**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

MICHAEL D'ALEO and LYNNE D'ALEO

SUM-100

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)  
**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

AUG 02 2018

3  
11:41 AM  
J. J. Wainwright

**NOTICE:** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

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The name and address of the court is:  
(El nombre y dirección de la corte es):

RIVERSIDE SUPERIOR COURT  
30755-D Auld Road, Murrieta, CA 92563

CASE NUMBER:  
(Número del caso)

MC 1800871

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
James J. Romag, Esq., # 241887; Michael S. Smith, Esq., # 268756; Ashley N. Grindstaff, Esq., # 300964

Brown, Koro & Romag, LLP, 2440 Camino Ramon, Ste. 385, San Ramon, CA 94583; P: 925-830-4878; F: 925-830-4879

DATE:  
(Fecha)

AUG 02 2018

Clerk, by  
(Secretario)

J. J. Wainwright

Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**NOTICE TO THE PERSON SERVED: You are served**

1. ☐ as an individual defendant.  
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):

4. ☐ by personal delivery on (date):



Form Adopted for Mandatory Use  
Judicial Council of California  
SUM-100 (Rev. July 1, 2009)

**SUMMONS**

Page 1 of 1  
Code of Civil Procedure §§ 412.20, 485  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

American LegalNet, Inc.  
[www.Fornaxtrialcenter.com](http://www.Fornaxtrialcenter.com)



PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): James J. Romag, Esq., # 241887 / Michael S. Smith, Esq., # 268756 / Ashley N. Grindstaff, Esq., # 300964 BROWN, KORO & ROMAG, LLP 2440 Camino Ramon, Suite 385, San Ramon, CA 94583 TELEPHONE NO: 925-830-4878 FAX NO. (optional): 925-830-4879 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>Plaintiffs, Michael D'Aleo and Lynne D'Aleo</b>		FOR COURT USE ONLY  <b>FILED</b> SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE  AUG 12 2018 J. Valdez
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE STREET ADDRESS: 30755-D Auld Road MAILING ADDRESS: 30755-D Auld Road CITY AND ZIP CODE: Murrieta, CA 92563 BRANCH NAME: Southwest Justice Center		
PLAINTIFF: Michael D'Aleo and Lynne D'Aleo  DEFENDANT: Robert A. Dworshak; Maribel Pina; Ean Holdings, LLC; Enterprise Rent-A-Car of Los Angeles, LLC		
<input checked="" type="checkbox"/> DOES 1 TO 100, Inclusive COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input checked="" type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify): <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input checked="" type="checkbox"/> Other Damages (specify): Wage Loss		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER: <b>MC4800871</b>

- Plaintiff (name or names): Michael D'Aleo and Lynne D'Aleo alleges causes of action against defendant (name or names): Robert A. Dworshak; Maribel Pina; Ean Holdings, LLC; Enterprise Rent-A-Car of Los Angeles, LLC; and Does 1 to 100, Inclusive.
- This pleading, including attachments and exhibits, consists of the following number of pages: 6
- Each plaintiff named above is a competent adult
  - except plaintiff (name):
    - ☐ a corporation qualified to do business in California
    - ☐ an unincorporated entity (describe):
    - ☐ a public entity (describe):
    - ☐ a minor ☐ an adult
      - ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - ☐ other (specify):
    - ☐ other (specify):
  - except plaintiff (name):
    - ☐ a corporation qualified to do business in California
    - ☐ an unincorporated entity (describe):
    - ☐ a public entity (describe):
    - ☐ a minor ☐ an adult
      - ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - ☐ other (specify):
    - ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

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 PLD-PI-001 (Rev. January 1, 2007)

 COMPLAINT—Personal Injury, Property  
 Damage, Wrongful Death

 Page 4 of 3  
 Code of Civil Procedure, § 425.12  
 www.courtinfo.ca.gov

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PLD-PI-001

SHORT TITLE: D'ALEO, et al. v. DWORSHAK, et al.	CASE NUMBER:
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4. ☐ Plaintiff (name):  
Is doing business under the fictitious name (specify):  
  
and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ except defendant (name): EAN Holdings, LLC  
 (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (describe):  
 (4) ☐ a public entity (describe):  
 (5) ☒ other (specify):  
 Limited Liability Company
- c. ☐ except defendant (name):  
 (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (describe):  
 (4) ☐ a public entity (describe):  
 (5) ☐ other (specify):
- b. ☒ except defendant (name): Enterprise Rent-A-Car of Los Angeles, LLC  
 (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (describe):  
 (4) ☐ a public entity (describe):  
 (5) ☒ other (specify):  
 Limited Liability Company
- d. ☐ except defendant (name):  
 (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (describe):  
 (4) ☐ a public entity (describe):  
 (5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.  
 a. ☒ Doe defendants (specify Doe numbers): 1 to 50 were the agents or employees of other named defendants and acted within the scope of that agency or employment.  
 b. ☒ Doe defendants (specify Doe numbers): 51 to 100 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because  
 a. ☐ at least one defendant now resides in its jurisdictional area.  
 b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.  
 c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.  
 d. ☐ other (specify):
9. ☐ Plaintiff is required to comply with a claims statute, and  
 a. ☐ has complied with applicable claims statutes, or  
 b. ☐ is excused from complying because (specify):

PLD-PI-001

SHORT TITLE: D'ALEO, et al. v. DWORSHAK, et al.	CASE NUMBER:
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12. ☐  
a.  
b.

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages  
(2) ☐ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) ☒ according to proof  
(2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: 08/01/18

Michael S. Smith, Esq.

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001 (Rev. January 1, 2007)

COMPLAINT—Personal Injury, Property  
Damage, Wrongful Death

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PLD-PI-001(1)

SHORT TITLE: D'ALEO v. DWORSHAK, et al.	CASE NUMBER:
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FIRST CAUSE OF ACTION—Motor Vehicle  
(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name). MICHAEL D'ALEO

MV- 1. Plaintiff alleges the acts of defendants were negligent (the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred

on (date). 08/03/16

at (place):

approximately 4:35 p.m., on I-15 northbound approximately 3960 feet south of the Temecula River, City of Temecula, County of Riverside, State of California.

MV- 2 DEFENDANTS

a. ☒ The defendants who operated a motor vehicle are (names).  
ROBERT A. DWORSHAK; MARIBEL PINA

☒ Does 1 to 100 Inclusive

b. ☒ The defendants who employed the persons who operated a motor vehicle in the course of their employment as:

☒ Does 1 to 100 Inclusive

c. ☒ The defendants who owned the motor vehicle which was operated with their permission are (names):  
EAN HOLDINGS, LLC; ENTERPRISE RENT-A-CAR OF LOS ANGELES, LLC;  
MARIBEL PINA

☒ Does 1 to 100 Inclusive

d. ☒ The defendants who entrusted the motor vehicle are (names):  
EAN HOLDINGS, LLC; ENTERPRISE RENT-A-CAR OF LOS ANGELES, LLC;  
ROBERT A. DWORSHAK; MARIBEL PINA

☒ Does 1 to 100 Inclusive

e. ☒ The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

☒ Does 1 to 100 Inclusive

f. ☒ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are  
☐ listed in Attachment MV-2f ☒ as follows:

DOES 1 TO 100 INCLUSIVE are liable to Plaintiff, the reasons therefore and the nature and extent of which has not yet been ascertained.

☒ Does 1 to 100 Inclusive

Page 4

PLD-PI-001(2)

SHORT TITLE: D'ALEO v. DWORSHAK, et al.	CASE NUMBER
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SECOND

(number)

CAUSE OF ACTION—General Negligence

Page 5

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): MICHAEL D'ALEO

alleges that defendant (name): ROBERT A. DWORSHAK; MARIBEL PINA; EAN HOLDINGS, LLC; ENTERPRISE RENT-A-CAR OF LOS ANGELES, LLC; and

☒ Does 1 to 100, Inclusive

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): 08/03/16

at (place): approximately 4:35 p.m., on I-15 northbound approximately 3960 feet south of the Temecula River, City of Temecula, County of Riverside, State of California.

(description of reasons for liability):

The Defendants, ROBERT A. DWORSHAK; MARIBEL PINA; EAN HOLDINGS, LLC; ENTERPRISE RENT-A-CAR OF LOS ANGELES, LLC; and DOES 1 through 100, Inclusive, negligently and carelessly entrusted, managed, maintained, and supervised the operation of, drove and operated their motor vehicle so as to cause an accident with a 2015 Chevrolet Traverse being driven and occupied by Plaintiff.

That as a direct and proximate result of the negligence of said Defendants, and each of them, and by reason of the accident thereby caused, Plaintiff sustained injuries to his head, body and limbs, all to his damage in a sum that is unknown to him; and any necessary medical expenses in an amount not yet fully ascertainable.

That as a direct and proximate result of the negligence of said Defendants, and each of them, and by reason of the accident thereby caused, Plaintiff has been unable, and will continue in the future to be unable to attend to his normal occupation, resulting in a loss of earnings and earnings capacity, to his damage, in an amount not yet fully ascertainable.

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Judicial Council of California  
PLD-PI-001(2) (Rev. January 1, 2007)

CAUSE OF ACTION—General Negligence

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Code of Civil Procedure 425.12  
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PLD-PI-001(2)

SHORT TITLE: D'ALEO, et al. v. DWORSHAK, et al.	CASE NUMBER:
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THIRD CAUSE OF ACTION—General Negligence Page 6  
(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): LYNNE D'ALEO

alleges that defendant (name): ROBERT A. DWORSHAK; MARIBEL PINA; EAN HOLDINGS, LLC; ENTERPRISE RENT-A CAR OF LOS ANGELES, LLC; and

☒ Does 1 to 100, Inclusive

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): 08/03/16

at (place): approximately 4:35 p.m., on I-15 northbound approximately 3960 feet south of the Temecula River, City of Temecula, County of Riverside, State of California.

(description of reasons for liability):

At all times relevant hereto, Plaintiffs, MICHAEL D'ALEO and LYNNE D'ALEO, were and still are husband and wife.

That as a direct and proximate result of the negligence and unlawful conduct of Defendants, and each of them, Plaintiff, LYNNE D'ALEO, has been deprived of the services, comfort, society and conjugal companionship of her spouse, thereby sustaining a loss of consortium all to her general damages in a sum within the jurisdiction of the unlimited Superior Court.

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): James J. Romag, Esq., SBN: 241887 / Michael S. Smith, Esq., SBN: 268756 / Ashley N. Grindstaff, Esq., SBN: 300964 BROWN, KORO & ROMAG, LLP 2440 Camino Ramon, Suite 385, San Ramon, CA 94583 TELEPHONE NO.: 925-830-4878 FAX NO.: 925-830-4879 ATTORNEY FOR (Name): Plaintiffs, Michael D'Aleo and Lynne D'Aleo		FOR COURT USE ONLY  <b>FILED</b> SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE  AUG 02 2018 Valdez
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE STREET ADDRESS: 30755-D Auld Road MAILING ADDRESS: 30755-D Auld Road CITY AND ZIP CODE: Murrieta, CA 92563 BRANCH NAME: Southwest Justice Center		
CASE NAME: D'Aleo, et al. v. Dworshak, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
CASE NUMBER: <b>MC1800871</b> JUDGE: DEPT:		

Items 1-8 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
<input checked="" type="checkbox"/> Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (48) <input type="checkbox"/> Other P/DP/W/D (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (46) <input type="checkbox"/> Other P/DP/W/D (23) <input type="checkbox"/> Non-P/DP/W/D (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/DP/W/D tort (35) <input type="checkbox"/> Employment <input type="checkbox"/> Wrongful termination (35) <input type="checkbox"/> Other employment (15)	<input type="checkbox"/> Contract <input type="checkbox"/> Breach of contract/warranty (08) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <input type="checkbox"/> Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <input type="checkbox"/> Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandamus (02) <input type="checkbox"/> Other judicial review (39)	<input type="checkbox"/> Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) <input type="checkbox"/> Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <input type="checkbox"/> Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
- b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): Three
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 08/01/18

Michael S. Smith, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE)

OR A

PARTY

## NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

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 Form Adopted for Mandatory Use  
 Judicial Council of California  
 CM-010 (Rev. July 1, 2007)

## CIVIL CASE COVER SHEET

 Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740;  
 Cal. Standards of Judicial Administration, std. 3.10  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

 American LegalNet, Inc.  
[www.FacsimileWorld.com](http://www.FacsimileWorld.com)

CM-010

**INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET**

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

**CASE TYPES AND EXAMPLES**

<b>Auto Tort</b>	<b>Contract</b>	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)</b>
Auto (22)-Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (06)	Antitrust/Trade Regulation (03)
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)	Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	Construction Defect (10)
	Contract/Warranty Breach-Seller Plaintiff (not fraud or negligence)	Claims Involving Mass Tort (40)
	Negligent Breach of Contract/Warranty	Securities Litigation (28)
<b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b>	Other Breach of Contract/Warranty	Environmental/Toxic Tort (30)
Asbestos (04)	Collections (e.g., money owed, open book accounts) (09)	Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)
Asbestos Property Damage	Collection Case-Seller Plaintiff	<b>Enforcement of Judgment</b>
Asbestos Personal Injury/Wrongful Death	Other Promissory Note/Collections Case	Enforcement of Judgment (20)
Product Liability (not asbestos or toxic/environmental) (24)	Insurance Coverage (not provisionally complex) (18)	Abstract of Judgment (Out of County)
Medical Malpractice (45)	Auto Subrogation	Confession of Judgment (non-domestic relations)
Medical Malpractice-Physicians & Surgeons	Other Coverage	Sister State Judgment
Other Professional Health Care Malpractice	Other Contract (37)	Administrative Agency Award (not unpaid taxes)
<b>Other PI/PD/WD (23)</b>	Contractual Fraud	Petition/Certification of Entry of Judgment on Unpaid Taxes
Premises Liability (e.g., slip and fall)	Other Contract Dispute	Other Enforcement of Judgment Case
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)	<b>Real Property</b>	<b>Miscellaneous Civil Complaint</b>
Intentional Infliction of Emotional Distress	Eminent Domain/Inverse Condemnation (14)	RICO (27)
Negligent Infliction of Emotional Distress	Wrongful Eviction (33)	Other Complaint (not specified above) (42)
Other PI/PD/WD	Other Real Property (e.g. quiet title) (26)	Declaratory Relief Only
<b>Non-PI/PD/WD (Other) Tort</b>	Writ of Possession of Real Property	Injunctive Relief Only (non-harassment)
Business Tort/Unfair Business Practice (07)	Mortgage Foreclosure	Mechanics Lien
	Quiet Title	Other Commercial Complaint Case (non-tort/non-complex)
	Other Real Property (not eminent domain landlord/tenant, or foreclosure)	Other Civil Complaint (non-tort/non-complex)
	<b>Unlawful Detainer Commercial (31)</b>	<b>Miscellaneous Civil Petition</b>